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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,837	11/13/2003	Damien Galand	Q78254	4888
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER MURPHY, RHONDA L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,837

Applicant(s)

GALAND, DAMIEN

Examiner

Rhonda Murphy

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/24/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on 9/24/07.

Accordingly, claims 1-12 are currently pending in this application.

Response to Arguments

1. Applicant's arguments filed 9/24/07 have been fully considered but they are not persuasive. Applicant argues the amended claims 1-12 are not described by the Cao reference. However, Examiner respectfully disagrees and would like to direct the applicant to the rejection of claims 1-12 below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. Claim 1, line 2, as originally filed, recites "using a protocol at a sub-IP level". The amended claim 1, now recites "*not* using an IP level protocol". The new limitation is not supported by the specification as originally filed and is considered new matter.

5. Claims 2-12 are also rejected as being dependent from rejected claim 1.
6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, line 4, it is unclear as to whether "said network management system" refers to the "first" network management system or "second" network management system.

Claim Objections

7. Claim 1 is objected to because of the following informalities:
8. Claim 1, line 6 recites "said network management system". Examiner believes the limitation should read "said first network management system", in order to maintain consistent claim language.
9. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao (EP 1089506 A2).

Regarding claim 1, Cao teaches a network level admission control apparatus (Fig. 12; 1200) for a set of communications networks comprising a first network using a protocol at a "sub-IP" level (ATM/IP network 1208) comprising border routers (R1 and R2) interconnected by links (see Fig. 12) associated with resources of known characteristics and managed by a first network management system (col. 21, lines 28-47; NMS 1202), the apparatus being characterized in that it comprises control means (not illustrated; located within NMS 1202) fed by said network management system with data representative of said links between border routers of said network and of the associated resources (col. 21, lines 52-55), and arranged, in the event of receiving a request to transfer a call via said network (ATM/IP 1208; col. 22, lines 29-39 and col. 23, lines 35-43), which call is associated with at least one service criterion (col. 23, lines 35-37) and designates a second communications network (SONET/SDH 1216) connected to said first network (see Fig. 12) and of a different type (SONET/SDH), to make use of said data to determine whether available resources exist that satisfy the service criterion associated with said call to be transferred (col. 21, lines 28-47), and if so to forward said call transfer request to second control apparatus (located within SONET/SDH 1216; not illustrated; col. 22, lines 29-32) with said resources being booked only if resources are available satisfying said service criterion in each of the networks involved by said call (col. 22, lines 34-49).

Cao fails to explicitly disclose a second network management system managing said designated second network.

However, it would have been obvious to one skilled in the art to include some form of network management system a second network (SONET/SDH 1216), for the purpose of managing and supporting the functions performed by the network.

Regarding claim 2, Cao teaches an apparatus according to claim 1, characterized in that said service criterion is selected from a group comprising at least quality of service, ability to protect/restore a link, and security (col. 23, lines 35-37).

Regarding claim 3, Cao teaches an apparatus according to claim 2, characterized in that said quality of service is defined by at least one parameter selected from a group comprising at least passband, delay, losses, and jitter (bandwidth requirement; col. 23, lines 30-43).

Regarding claim 4, Cao teaches an apparatus according to claim 1, characterized in that some of said data specifies a mode of management for a link by said network management system (col. 21, lines 52-57; col. 22, lines 1-16).

Regarding claim 5, Cao teaches an apparatus according to claim 4, characterized in that said modes are selected from a group comprising at least VPN, optical VPN, and IPSec (col. 22, lines 4-16).

Regarding claim 6, Cao teaches an apparatus according to claim 2, characterized in that some of said data defines restoration links and associated resources (col. 23, lines 44-58).

Regarding claim 7, Cao teaches an apparatus according to claim 1, characterized in that includes memory (table), and in that said control means are arranged to store

received data in said memory in the form of a connectivity matrix between border routers of the first network (col. 21, lines 52-57; col. 22, lines 1-16).

Regarding claim 8, Cao teaches an apparatus according to claim 1, characterized in that said control means are suitable for being coupled to third control apparatus (CAP2) connected to a third network management system (ATM/IP 1210) managing a third communications network (ATM/IP 1210) connected to the sub-IP first network and of a different type, and from which said call transfer request comes (col. 21, lines 28-47).

Regarding claim 9, Cao teaches an apparatus according to claim 1, characterized in that at least one of said second and third networks uses an IP level protocol (ATM/IP).

Regarding claim 10, Cao teaches an apparatus according to claim 1, characterized in that at least one of said second and third networks uses a protocol at sub-IP level (col. 3, lines 26-40).

Regarding claim 11, Cao teaches network equipment (NMS 1202) suitable for being connected to a network management system (NMS1202) managing a communications network using a protocol at sub-IP level, the equipment being characterized in that it includes network level admission control apparatus according to claim 1 (col. 21, lines 52-57; col. 22, lines 1-57).

Regarding claim 12, Cao teaches the use of the network level admission control apparatus and the network equipment according to claim 1 in sub-IP communications networks selected from a group comprising space-division switching networks, WDM networks, TDM networks, and GMPLS networks (SONET/SDH).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

RM

A handwritten signature in black ink, appearing to read 'Huy D. Vu', followed by a long horizontal line.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600